

Message Text

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ORIGIN STR-08

INFO OCT-01 EUR-25 IO-12 ADP-00 AGR-20 CEA-02 CIAE-00

COME-00 DODE-00 EB-11 FRB-02 H-02 INR-10 INT-08 L-03

LAB-06 NSAE-00 NSC-10 PA-03 RSC-01 AID-20 CIEP-02

SS-15 TAR-02 TRSE-00 USIA-12 PRS-01 OMB-01 /177 R

DRAFTED BY STR: JMCNAMARA/ EUR/ RPE: ACALBRECHT

5/9/73

APPROVED BY E: WCASEY

COMM: LFOX

EB/ ITP/ OT: JRENNER

AGRIC: GWHITE

TREAS: HMCFADDEN

STR: HMALGREN

EUR: GSSPRINGSTEEN

S/ S- MR. BARNES

EUR/ RPE: AKATZ

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R 112344 Z MAY 73

FM SECSTATE WASHDC

TO USMISSION EC BRUSSELS

AMEMBASSY BONN

AMEMBASSY THE HAGUE

AMEMBASSY LUXEMBOURG

AMEMBASSY ROME

AMEMBASSY PARIS

AMEMBASSY BRUSSELS

AMEMBASSY LONDON

AMEMBASSY DUBLIN

AMEMBASSY COPENHAGEN

USMISSION OECD PARIS

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E. O. 11652

TAGS: ETRD: EC: US

SUBJECT: EC NEGOTIATING MANDATE

REFS: A) STATE 69893

B) STATE 69228

1. AS NOTED IN REF B SOME ELEMENTS OF THE COMMISSION
PROPOSALS FOR AN EC NEGOTIATING MANDATE

REPRESENT A GOOD START TOWARD A FAVORABLE US- EC DIALOGUE
ON TRADE NEGOTIATIONS. HOWEVER, OTHER ELEMENTS OF THE
DRAFT PROPOSALS ARE TROUBLESOME, AND MAY EVEN CREATE
DIFFICULTIES FOR US IN THE US LEGISLATIVE DISCUSSIONS IN
COMING MONTHS. THEREFORE, WHERE POSTS BELIEVE IT WOULD
BE USEFUL TO DO SO, WE SHOULD ENCOURAGE FURTHER REVIEW
AND AMENDMENT OF THE PROPOSALS ON SOME POINTS, BUT AT
THE SAME TIME NOT REPEAT NOT ATTACK THEM DIRECTLY OR
GENERALLY. FOLLOWING POINTS ON SOME KEY ISSUES OR
QUESTIONS WHICH TROUBLE US SUPPLEMENT POINTS CONTAINED
IN REF B.

A. THE COMMUNITY HAS POSTULATED THE FIRST OBJEC-
TIVE AS LIBERALIZATION OF TRADE " ON THE BASIS OF RECIPRO-
CITY AND MUTUAL ADVANTAGE." THIS REFLECTS THE LANGUAGE
OF THE DECEMBER 1971 EC STATEMENT. HOWEVER THE JOINT

US/ EC DECLARATION OF FEBRUARY 1972, WHICH WAS A CONSEQUENCE
OF THE SMITHSONIAN AGREEMENT CONTAINED LANGUAGE WHICH WE
BELIEVED IMPORTANT, AND TO WHICH THE COMMUNITY FINALLY
AGREED. THE LANGUAGE WAS " ON THE BASIS OF MUTUAL
ADVANTAGE AND MUTUAL COMMITMENT WITH OVERALL RECIPROCITY."
THIS SHIFTS THE EMPHASIS AWAY FROM NARROWLY DEFINED
RECIPROCITY BY SECTOR TO A BROADER CONCEPT OF OVERALL
BALANCE, AND MUTUAL COMMITMENTS WHICH WOULD CONSTITUTE
A REFORMED TRADING SYSTEM. SINCE THE COMMUNITY ALREADY
AGREED TO THIS LANGUAGE IN THE DECLARATION IT IS SUR-
PRISING AND TROUBLESOME THAT THE COMMISSION COULD NOT
USE THE SAME LANGUAGE IN ITS PROPOSALS.

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B. IT IS ALSO TROUBLESOME THAT THE COMMISSION
APPEARS TO RULE OUT DUTY ELIMINATION AS " UNREALISTIC."
THIS THOUGHT IS ENTIRELY NONESSENTIAL TO THE THRUST OF
THE MANDATE, BUT WILL CREATE PROBLEMS FOR OUR EFFORTS TO
GAIN MAXIMUM FLEXIBILITY IN OUR TARIFF CUTTING AUTHORITY.
MOREOVER, IF IT IS " REALISTIC" VIS- A- VIS EFTA AND WITHIN
THE ENLARGED COMMUNITY, DESPITE THE EXISTENCE OF QUALI-
FYING CIRCUMSTANCES OF THE TYPE NOTED IN THE MANDATE,
WHY SHOULD IT BE RULED OUT FOR ALL OTHER COUNTRIES? WE
AGREE THAT ELIMINATION OF DUTIES ON CERTAIN PRODUCTS
SHOULD NOT BE EXCLUDED. BUT WE BELIEVE IT IS NECESSARY
TO HAVE THE AUTHORITY TO ELIMINATE DUTIES ENTIRELY EVEN
IF ULTIMATELY THAT AUTHORITY IS USED ONLY IN A LIMITED
WAY.

C. THE OTHER TARIFF PROVISOS CREATE SOME DIFFICULTIES, PARTICULARLY BY STRESSING HARMONIZATION (I. E. ELIMINATION OF TARIFF PEAKS AND TROUGHS) VIRTUALLY TO THE EXCLUSION OF OTHER TECHNIQUES. HARMONIZATION WILL BE MOST DIFFICULT EVEN TO CONTEMPLATE OTHER THAN IN THE CONTEXT OF SUBSTANTIAL OVERALL TARIFF REDUCTIONS BY ALL NATIONS. MOREOVER IN CONTRAST TO THE COMMISSIONS' PROPOSALS, WE WONDER WHETHER, AT THIS JUNCTURE, HARMONIZATION COULD NOT BETTER BE STUDIED IN THE CONTEXT OF SPECIFIC SECTOR DISCUSSIONS WHICH WOULD DEAL NOT ONLY WITH TARIFFS BUT ALSO NTB'S AND OTHER POSSIBLE MEASURES AFFECTING TRADE IN PARTICULAR SECTORS. THE ARGUMENT FOR A FLOOR TO TARIFFS IS UNHELPFUL, IN THAT, IF PRESSED, IT WILL MAKE FAR MORE DIFFICULT OUR EFFORTS TO GAIN FLEXIBLE NEGOTIATING AUTHORITY FROM CONGRESS.

D. WE AGREE IT IS DESIRABLE TO CONCENTRATE ON HIGH PRIORITY PROBLEMS FIRST, BUT WE DO WANT TO COVER MOST

OUTSTANDING NTB PROBLEMS DURING THE COURSE OF NEGOTIATIONS AND WHERE SPECIFIC SOLUTIONS CAN NOT BE REACHED. TRY TO REACH AN AGREEMENT ON MORE GENERAL RULES GOVERNING NON-TARIFF MEASURES AS SUCH. FINALLY, WHILE OUR EXCEPTIONS LIMITED OFFICIAL USE
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UNDER THE PROTOCOL OF PROVISIONAL APPLICATION OF GATT ARE NEGOTIABLE, WE WOULD CONSIDER CHANGING THEM ONLY THROUGH NEGOTIATION, AND CERTAINLY NOT UNILATERALLY.

E. IN AGRICULTURE, AS WAS MADE EVIDENT IN THE LANGUAGE OF THE FEBRUARY 1972 US- EC DECLARATION, WE ARE HIGHLY SKEPTICAL THAT COMMODITY AGREEMENTS OFFER A USEFUL APPROACH TO TRADE LIBERALIZATION. WHILE THE COMMISSION STATES THAT THE EC SHOULD " PROPOSE" SUCH MEASURES IT DOES NOT EXCLUDE OTHER APPROACHES. IN OUR VIEW IT IS ESSENTIAL THAT OTHER APPROACHES NOT BE EXCLUDED.

F. THE COMMISSION PROPOSALS ON SAFEGUARDS APPEAR TO MAKE IT POSSIBLE FOR THE EC TO ACCEPT THE REY GROUP REPORT AS A POINT OF DEPARTURE FOR PRELIMINARY DISCUSSIONS. WE TOO CAN ACCEPT THAT REPORT AS A POINT OF DEPARTURE PROVIDED IT IS RECOGNIZED THAT THERE MAY BE ELEMENTS IN THE REPORT THAT WE CANNOT ACCEPT. OUR APPROACH TO THE QUESTION WILL DEPEND ULTIMATELY IN PART ON THE OUTLINE OF OUR TRADE LEGISLATION, WHOSE SAFEGUARD SECTION SHOULD BE COMPATIBLE WITH ANY INTERNATIONAL SYSTEM TO BE WORKED OUT.

G. IT IS TROUBLESOME THAT THE COMMISSION PLACES SUCH EMPHASIS ON THE REQUIREMENT OF AVOIDING JEOPARDIZING THE

PRESENT ADVANTAGES ENJOYED BY LDC' S WHO HAVE SPECIAL RELATIONS WITH THE EC. WE HOPE THE MANDATE WILL NOT HIGHLIGHT THIS ASPECT. WE WILL PREPARE COMMENTS SUBSEQUENTLY ON THE COMMISSION' S PROPOSALS FOR NEW PREFERENCE AGREEMENTS WITH THE ASSOCIATES AND OTHERS. WE DO NOT WANT TO ENCOURAGE ANY IDEA THAT THE PREFERENCE MARGINS FOR LDC' S SHOULD BE PERMANENTLY PROTECTED. THIS TYPE OF THINKING MAY SUPPORT CONCLUSION RELATED TO A FLOOR ON TARIFFS WHICH CREATE PROBLEMS CITED IN C ABOVE.

2. WE BELIEVE SOAMES' PRESENTATION OF THE COMMISSION' S PROPOSALS TO THE COUNCIL WAS POSITIVE AND CONSTRUCTIVE IN TONE. EC REACTION TO THE US TRADE BILL HAS BEEN GENERALLY POSITIVE AND WE DO NOT WANT TO DISTURB THAT BY A HARSH DEBATE ON THE RELATIVE MERITS OF THE EC MANDATE AND THE US LEGISLATION.

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3. OUR GENERAL LINE WITH COMMISSION OFFICIALS AND MORE RECENTLY DURING THE ANDREOTTI AND BRANDT VISITS HAS BEEN

THAT WE HOPE THE EC MANDATE WILL BE BRIEF, GENERAL AND FLEXIBLE AS POSSIBLE. POSTS SHOULD FOLLOW THIS LINE, DRAWING ON POINTS A- G ABOVE AND THOSE IN REF B IF THE OPPORTUNITY ARISES IN DISCUSSIONS WITH OFFICIALS WHO ARE SYMPATHETIC TO OUR CONCERNS. YOU SHOULD ADAPT COMMENTS TO LOCAL CIRCUMSTANCES. POSTS SHOULD REPORT ANY DEVELOPMENTS AND HOST COUNTRY VIEWS ON EC MANDATE. ROGERS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 10 MAY 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 11 MAY 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE090897
Document Source: ADS
Document Unique ID: 00
Drafter: STR: JMCNAMARA/ EUR/ RPE: ACALBRECHT
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730560/abqcemnd.tel
Line Count: 195
Locator: TEXT ON-LINE
Office: ORIGIN ST
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: A) STATE 69893 B) STATE 69228
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 03 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03-Aug-2001 by boyleja>; APPROVED <10-Sep-2001 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> mcm 980217
Subject: EC NEGOTIATING MANDATE
TAGS: ETRD, EC, US
To: EC BRUSSELS
BONN
THE HAGUE
LUXEMBOURG
ROME
PARIS
BRUSSELS

LONDON
DUBLIN
COPENHAGEN
OECD PARIS
GENEVA

Type: TE

Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005